

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

Natasha Benton-Hill, individually and on behalf of all others similarly situated,

Plaintiff,

v.

The University of Rochester,

Defendant.

CASE NO. 6:23-cv-06447-FPG

Sabrina Harling, individually and on behalf of all others similarly situated,

Plaintiff,

v.

The University of Rochester,

Defendant.

CASE NO. 6:23-cv-06471

Dominic Fiacco individually and on behalf of all others similarly situated,

Plaintiff,

v.

The University of Rochester,

Defendant.

CASE NO. 6:23-cv-06518

**ORDER GRANTING CONSOLIDATION UNDER  
FED. R. CIV. P. 42(a)(2)**

WHEREAS, Plaintiffs Natasha Benton-Hill, Sabrina Harling, and Dominic Fiacco in three related cases currently pending in this District, *Benton-Hill v. The University of Rochester*, Case No. 6:23-cv-06447-FPG, (hereafter the “*Benton-Hill Action*”); *Harling v. The University of Rochester*, Case No. 6:23-cv-06471, (hereafter the “*Harling Action*”); and *Fiacco v. University of Rochester*, Case No. 6:23-cv-06518 (hereafter the “*Fiacco Action*”) (collectively, the “Related Actions”) agree, and Defendant does not oppose, that these actions, as well as any subsequently filed or transferred related actions, for all purposes, including pretrial proceedings and trial, should be consolidated pursuant to Federal Rule of Civil Procedure 42(a) (“Rule 42(a)’’); and

WHEREAS: the complaints in the Related Actions relate to the same, common factual allegations and legal theories; the Related Actions assert multiple common causes of action against the common Defendant relating to the same factual underpinnings, and seek the same relief in response to the same event; and the Related Actions commonly seek certification of an overlapping nationwide class and allege that class members suffered harm as a result of the Data Breach because their sensitive personal information was exposed to third parties without their authorization.

NOW THEREFORE GOOD CAUSE APPEARING, the Court so Orders as follows:

1. The *Benton-Hill*, *Harling*, and *Fiacco* Actions currently pending in this District, and any other action arising out of the same or similar operative facts now pending or hereafter filed in, removed to, or transferred to this District, shall be consolidated for pre-trial purposes pursuant to Rule 42(a) (hereafter the “Consolidated Action”).

2. All papers filed in the Consolidated Action shall be filed, under the docket number of the first-filed case, and captioned as *Benton-Hill, et al v. The University of Rochester*, Case

*No. 6:23-cv-06447-FPG.*

3. Any action subsequently filed in, transferred to, or removed to this Court that arises out of the same or similar operative facts as the Consolidated Action, shall be consolidated with the Consolidated Action for pre-trial purposes. The parties shall file a Notice of Related Action whenever a case that should be consolidated into this action is filed in, transferred to, or removed to this District.

4. If the Court determines that the case is related, the clerk shall:

- a. Place a copy of this Order in the separate file for such action;
- b. Serve on Plaintiffs' counsel in the new case a copy of this Order;
- c. Direct that this Order be served upon Defendant(s) in the new case; and
- d. Make appropriate entry in the Master Docket.

5. Plaintiffs shall file a Consolidated Amended Complaint no later than thirty (30) days following the entry of an order appointing interim class counsel or other designated counsel.

6. Any response to the Consolidated Amended Complaint shall be due within forty-five (45) days from the filing of the Consolidated Amended Complaint. All prior response deadlines are vacated. Should Defendant intend to file one or more motions to dismiss, the Parties will comply with Local Civil Rule 7.1 with the following clarifications and/or adjustments:

- a. Any opposition to a motion to dismiss shall be filed and served within thirty (30) days of the filing of the motion to dismiss; and
- b. Any reply brief shall be filed and served within twenty-one (21) days of the opposition.

7. This Order shall apply to the above-captioned matters, any subsequently consolidated action, any actions consolidated with the above-captioned matters, and any actions

filed in or transferred or removed to this Court relating to the fact and the data breach underlying this litigation.

8. Interim Lead Counsel must serve a copy of this Order and all future orders promptly by overnight delivery service, facsimile, or other expeditious electronic means on counsel for Plaintiffs in any related action to the extent that Interim Lead Counsel are aware of any such action(s) and on all attorneys for Plaintiffs whose cases may subsequently consolidated with the above actions but who have not yet registered for ECF.

**IT IS SO ORDERED:**

Dated: September 22, 2023



UNITED STATES DISTRICT JUDGE